

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 27, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JANICE KAY HEATH,

Defendant.

No. 2:17-CR-0133-TOR-2

ORDER GRANTING MOTION
AND SETTING CONDITIONS
OF RELEASE

**MOTION GRANTED
(ECF No. 142)**

Pursuant to Defendant's motion, ECF No. 142, and noting no opposition from the United States or Pretrial Services, the Court finds that there are conditions which reasonably assure Defendant's appearance and the safety of the community, and order that Defendant be released on the following.

Finding good cause to be shown, Defendant's Motion to Modify Conditions of Release, **ECF No. 142**, is **GRANTED**. The release of the Defendant is subject to the following:

ORDER . . . - 1

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STANDARD CONDITIONS OF RELEASE

- (1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.
- (2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number. Defendant shall reside at a residence approved by Pretrial Services.
- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) Defendant shall sign and complete A.O. Form 199C before being released and shall reside at the address furnished.
- (5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.
- (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
- (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal

1 law. Defendant may not use or possess marijuana, regardless of whether
2 Defendant has been authorized medical marijuana under state law.

- 3 (10) Defendant shall surrender any passport to Pretrial Services and shall not
4 apply for a new passport.

5 **ADDITIONAL CONDITIONS OF RELEASE**

- 6 (14) Defendant shall remain in the Eastern District of Washington while the case
7 is pending. By timely motion clearly stating whether opposing counsel and
8 Pretrial Services object to the request, Defendant may be permitted to travel
9 outside this geographical area.

- 10 (15) Avoid all contact, direct or indirect, with any persons who Defendant would
11 reasonably know are or may become a victim or potential witness in the
12 subject investigation or prosecution. Pretrial Services may but is not
13 required to exempt specific named individuals from this prohibition,
including but not limited to immediate family members or co-workers.

- 14 (24) **Substance Abuse Evaluation:** Defendant shall participate in a substance
15 abuse evaluation and complete any follow up treatment as directed by
16 Pretrial Services.

- 17 (26) **Outpatient Treatment:** Defendant shall participate in an outpatient
18 substance abuse treatment program.

- 19 (27) **Prohibited Substance Testing: If random urinalysis testing is not done**
20 **through a treatment program, random urinalysis testing shall be**
21 **conducted through Pretrial Services, and shall not exceed six (6) times**
22 **per month.** Defendant shall submit to any method of testing required by the
23 Pretrial Service Office for determining whether the Defendant is using a
24 prohibited substance. Such methods may be used with random frequency and
25 include urine testing, the wearing of a sweat patch, a remote alcohol testing
26 system, and/or any form of prohibited substance screening or testing.
Defendant shall refrain from obstructing or attempting to obstruct or tamper,
in any fashion, with the efficiency and accuracy of prohibited substance
testing.

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1 If a party desires that another Court review this order pursuant to 18 U.S.C. §
2 3145, that party shall promptly file a motion for review before the district judge to
3 whom the case is assigned, as further described in the Detention Order Review
4 Protocol published for the Eastern District of Washington. Both parties shall
5 cooperate to insure that the motion is promptly determined.

6 **IT IS SO ORDERED.**

7 DATED April 27, 2018.

A handwritten signature in black ink, appearing to be "M" followed by a stylized flourish.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE